

MAY 8, 2006 MEETING OF THE EFFICIENCY, REFORM, AND
INTERGOVERNMENTAL AFFAIRS COMMITTEE OF THE ULSTER COUNTY
LEGISLATURE

The meeting convened at 5:06 pm. Attending were Legislators Bischoff (Chairman), Liepmann, Shapiro, Rodriguez, Bartels, Cummings, and Busick, and Kevin DuMond, permanent advisory member of the committee representing the CSEA. Also attending were Legislators Donaldson, Gregorius, Berardi, Kraft, and Noonan. Election Commissioner Parete, deputy commissioner Fraser of the Ulster County Board of Elections, and concerned citizens Tom Kadgen, representing the League of Women Voters, John Mavretich, Ulster Publishing, Cal Cunningham, Lou Klein, and Rene Sachs, charter commission members, Alan Wickman, City of Kingston, and Vic Work, Town of Shawangunk.

Agenda Attached.

Ulster County Charter (Final Draft)

Chairman Bischoff opened the meeting and explained that there would be only one agenda item. The Charter Commission finished its work on April 10 and, at the April meeting of this committee, the members outlined the process by which the proposed charter would reach the floor of legislature for a vote, to wit, this committee would first vote on any changes then these agreed upon changes would be submitted to full legislature for a vote by August, at the latest, but preferably by July. Several legislators have submitted suggested changes. Comments were also received from Pattern for Progress with which will also be considered. Bischoff continued by explaining that each proposed change would be considered individually and be subject to a motion and vote. (Each vote indicated below was made after a duly seconded motion unless otherwise indicated.)

Recommendations submitted by Robert Parete, majority whip, in a letter to the Committee, dated May 8, 2006 (copy attached), were considered one by one as follows;

Section 2.05 Part N—Proposal to reduce threshold for all contracts to receive legislature approval from \$100,000 to \$50,000. The reason for the \$100,000 amount was to give more discretion to the executive and leave policy decisions to the legislator, according to Lou Klein. Recommendation approved Yes 4, No 1.

(There was a discussion on how these recommendations were to be presented to the legislature, is the charter changed or are these recommendations to be a companion document to the charter and then those which are approved would be added to the charter? Motion to accept this procedure by Legislator Rodriguez, seconded by Legislator Cummings. Unanimously approved.)

Section 2.14.1—Charter has counsel to the legislature appointed and serving at the pleasure of the chairman. Proposal that the counsel serve “at the pleasure of the legislature” was unanimously approved.

Section 2.15—Charter provides that any qualified elector can be appointed to fill a vacancy. The intent of this provision is to preserve will of the people by preserving the political party of the replaced member. Yes 2, No 5

Section 3.02—charter already agrees with suggestion—not moved

Section 5.03—The proposal is that one member of the Board of Health be the chairman of the legislative committee pertaining to public health. Klein explaining that the Charter commission adopted provision intentionally as written to take away from existing board of health its power as an autonomous body but so that it would become an advisory body only. Proposal rejected Yes 0, No 7

Section 8.02—already addressed by newer draft of charter—not moved

Section 12.03—The proposal is to require that a deputy commissioner of public works be a licensed architect. Commission recommended that there be a department of engineering staffed by licensed engineers. Discussion ensued whether it was prudent to provide such specificity and bind future generations. Question raised whether deputy is considered management and whether he or she will need this degree to manage the department. Proposal rejected. Yes 0, No 7

Section 29.01—State law provides how the commissioner of jurors is appointed. Not moved

Article XLVI—proposal could not find any support on the committee and was not moved

Next considered was **Legislator Richard Parete's suggestion** to delete from Section 2.03 the following: "No county Legislator shall hold at the same time any other elective public office." Discussion ensued regarding the restrictions of current state law and county law on holding two elected positions, particularly as it might affect villages. Bischoff was concerned that this language should not be eliminated without further research—motion made by to defer vote on this question. Yes 7, No 0.

Legislator Hector Rodriguez's proposed changes, in a memorandum to Chairman Bishoff, dated May 3, 2006 (copy attached), were discussed as follows.

Section 2.02—the year "2013" in the charter is changed to "2011", which is the correct date according to the 2003 referendum. Proposal unanimously approved.

Section 2.03—The suggestion is to remove the proviso on holding two elective offices. The committee agreed to delay consideration of this suggestion in accordance with above discussion of Richard Parete's proposal.

Section 2.04—The proposal is to change the size and make up of the reapportionment committee. Klein explained that the intent of the charter provision is to remove the reapportionment from the legislature so that it does not reapportion itself and an independent body would do it with 7 members to represent all regions of the county. Rodriguez withdraws this suggestion.

Section 3.03—The proposal is to move the county executive election to even, presidential year elections. Klein explained that the commission wanted the County Executive election to be part of the other local elections. Discussion centered on whether combining election of executive with president would increase votes because of increased turnout or increase drop off because of longer ballots or both and whether local issues would be drowned out by national issues. The question whether the sheriff's race should also be moved to an odd year was also mentioned. Suggestion withdrawn by Rodriguez and amended it by moving first election of county executive to 2009, which motion was defeated. Yes 2 No 6.

Section 3.04—Rodriguez said his proposal and motion is that UCDC should not be in the charter because UCDC may no longer exist at some point. Seconded by Donaldson. Commission did not unanimously agree on this point so present members will not speak on behalf of the entire commission. It was suggested that the provision be made generic to apply to any agency that receives county funds. Motion withdrawn and amended to change section j as follows: add “all county funded agencies” in place of “Ulster County Development Corporation” and the words “otherwise oversee the operation”, “by the UDCD”, and “economic development” are deleted. Unanimously approved. Yes 8 No 0.

Cummings raised a question about requiring in the charter a Department of Employment and Training, which is funded by federal monies. Klein stated that, according to the charter, any of departments mentioned in the charter could be eliminated by County Executive or the Legislature. Motion to remove words “There shall be” from line 1 of the section and add words “shall be” before “headed” to line 2 of Section 39.01 was seconded and passed unanimously.

Bischoff made motion to amend Section 2.11 by changing word “first” in the third line to “second” and that the word “after the first Monday” in the same line be deleted. This proposal was unanimously approved. Yes 7 No 0.

The **Statement by Pattern for Progress**, dated April 4, 2006 (copy attached) was considered by the committee as follows:

Section 1.01—The proposal is to add the words “equity” and “efficient, economy...” Unanimously approved. Yes 8 No 0

The following sections were each unanimously rejected as specified: Section 2.05—moved but not seconded. Section 3.04—yes 0 no 8. Section 4.02—yes 0 no 7. Proposed changes to Sections 4.05, 4.06, 4.08 and 4.09— were rejected because they address policy issues which are decided by the legislature; yes 0 no 7.

Section 7.01— suggested change is already made in later draft of charter.

Section 7.02—suggested revision is nit picking; does not belong in charter; 7 yes 0 no

Section 7.02.15—Rodriguez made a motion to delete this subsection because UCDC may not exist some day. (This was not suggested by Pattern for Progress.) Klein explained that the Commission believes that when a private entity receives county funds it can specify its form of oversight. This motion was defeated Yes 1 no 6

Section 7.03— It was agreed that adding word “funds” to the section is a sensible change, and it was unanimously approved. Yes 7 no 0

The committee believes that the suggested changes on deputy planning directors are “micro-management” and were unanimously rejected. Yes 0 no 7.

The suggested change regarding the Director of Planning is already provided for in the current charter. Remainder of suggested changes in the three paragraphs at the top of page 4 were unanimously rejected by the committee as “micro-management”.

Section 9.02—Motion made that in subsection (i) of 9.02, the word “annually” be deleted and “quarterly” be added in its place. Commission thinks this is more appropriate for the Comptroller so the recommendation is a good one and unanimously approved. Yes 6 no 0

No motion made on second suggested change to 9.02.

Section 35.01—The ethics board is working on the code of ethics and should be allowed to complete its work. No motion made on this suggestion.

Section 35.02—No motion made on this suggestion.

Section 35.05—No motion made on this suggestion since it refers to an earlier draft of the charter.

Section 39.02A—This refers to Section 38.02 in current version of charter. Suggested revisions are not objectionable to some members of the committee. However, the commission is concerned with the expansion of the charge to include neighboring counties and requiring such counties to attend meetings. Yes 2 no 5. But adding “equity” and “of public service” and correcting spelling of “effectiveness” was unanimously approved.

Section 39.02B—No motion made on this suggestion since it is micro-managing. There was some discussion on whether provision should be made for separate representation by villages. Motion made to modify paragraph b to remove one village mayor and add two representatives of the supervisors association selected by the association. Unanimously approved. Yes 6 no 1

Section 39.02C—This should be 38.02. This suggestion is approved. Yes 7 no 0.

The commission members present agreed to reconvene and consider the suggested amendments of Pattern for Progress, if the committee wished.

Legislator Shapiro raised a question on page 39, section 5.01 of the final draft of the charter for the commission members present regarding the commission of public health. Legislator Bartels reported that neighboring counties have doctors as head of the commission of public health and that commission members believed that the head should be a doctor. Klein reported that the general consensus of the commission was to leave the choice to the County Executive. Did this consensus come from comments from the members of the Board of Health? No, it came primarily from harmonizing this provision with the provision on DPW and the fact that you could have a good professional administrator that is not a doctor. Legislator Liepmann stated that a doctor is not always a good administrator. A good administrator may or may not be a doctor. The medical examiner is also consultant to the public health commission. Bischoff pointed out that there is a population threshold in state law at which point a doctor is mandatory. The charter is reviewable in five years at which point Ulster County may meet this threshold. Bartels stated that there is a perception among the public that we are losing out because we do not have a doctor as head of public health. Liepmann pointed out that public health has several tasks, including forensic duties and epidemiology, so there are two different skills required in addition to being able to manage. Liepmann does not support requiring a doctor as head.

Motion made and seconded that Section 5.01 be amended to require that the Commissioner of Health be “a licensed physician with experience in public health”. Yes 4 no 3.

The committee took up changes to Section 5.05 and Article XLI proposed by Peter Liepmann (copy attached).

Section 5.05—the proposed amendments to this section were addressed, as follows:

1—a qualified Medical Examiner(s)—unanimously approved

3—strike existing subsections 1, 2, and 3—substitute for 1 and 2 and new subsection 1 “be trained to investigate causes of death and order autopsies” –unanimously approved.

2—withdrawn

Proposed changes to Article XLI, Sections 41.01, .02, and .03 were all approved unanimously by the committee, which agreed with Liepmann’s assertion that a major weakness is that the article only address automobiles and ignores bicycles, horses, and pedestrians. Yes 7 no 0.

Meeting adjourned at 9:02.